

Agenda



Tempe City Council

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Harry E. Mitchell Government Center
Municipal Building
Council Chambers
31 East Fifth Street
7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

June 3, 2004

1. INVOCATION – Councilmember Mitchell
2. PLEDGE OF ALLEGIANCE
3. MINUTES – Councilmember Arredondo
 - A. Approval of Council Meeting Minutes
 1. Council Executive Session – April 29 & May 6, 2004
 2. Council Issue Review Session – April 29 & May 6, 2004 [20040603clrkck02.pdf](#)
[20040603clrkck04.pdf](#)
 3. Formal Council Meetings – April 29, & May 6, 2004 [20040603clrkck01.pdf](#)
[20040603clrkck03.pdf](#)
 4. Council's Community, Schools & Higher Education Partnerships Committee – May 10, 2004 [20040603cshep01.pdf](#)
 5. Council's Finance & Diversity Issues Committee – May 11, 2004 [20040603fdi01.pdf](#)
 6. Council's Tourism & Economic Development Committee – May 17, 2004
[20040603ted01.pdf](#)
 7. Rio Salado Committee of the Whole/Rio Salado Commission – April 29, 2004
[20040603rscw01.pdf](#)
 8. Rio Salado Community Facilities District Board – May 6, 2004 [20040603cfd.pdf](#)
 - B. Acceptance of Board & Commission Meeting Minutes
 9. Community Special Events Task Force – May 11 & 25, 2004 [20040603csetf01.pdf](#)
[20040603csetf02.pdf](#)
 10. Design Review Board – April 21, 2004 [20040603drb01.pdf](#)
 11. Double Butte Cemetery Advisory Committee – March 17, 2004 [20040603csmr04.pdf](#)
 12. Golf Committee – March 3, 2004 [20040603csmr01.pdf](#)
 13. Hearing Officer – May 4 & 19, 2004 [20040603ho01.pdf](#) [20040603ho02.pdf](#)
 14. Historic Preservation Commission – April 1, 2004 [20040603hpc01.pdf](#)
 15. Human Relations Commission – April 13, 2004 [20040603hrc01.pdf](#)
 16. Mayor's Committee on Prevention & Community Resources – April 19, 2004

- [20040603mcpcr01.pdf](#)
17. Mayor's Youth Advisory Commission – April 20, 2004 [20040602myac01.pdf](#)
 18. Merit System Board – April 28 & May 11, 2004 [20040603msb01.pdf](#)
[20040603msb02.pdf](#)
 19. Neighborhood Advisory Commission – April 7, 2004 [20040603nac01.pdf](#)
 20. Tempe Fire Public Safety Personnel Retirement Board – December 4, 2003
[20040603fpsprb01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
- National Hunger Awareness Day Proclamation
 - Community Development Block Grant (CDBG) Award
- B. Manager's Announcements

5. CONSENT AGENDA

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council. None of these items will be discussed unless a Councilmember removes an item or a citizen requests that a public hearing item be removed for separate consideration. Public hearing items are designated by an asterisk (*). Items scheduled for a Introduction/First Public Hearing will be heard, but will not be voted upon, at this meeting.

'q-j' indicates items that are quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. When sitting as a quasi-judicial body, the City Council must conduct itself as a court, not as a legislative body. This means that any materials or conversations concerning the variance can only be presented to the City Council at the scheduled public hearing. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited.

A. Miscellaneous

21. Motion to set Executive Session for the City Council meeting of June 10, 2004, if needed, in the Harry E. Mitchell Government Center, Municipal Building, 3rd Floor Conference Room, 31 E. 5th Street.

COMMENTS: Agenda for Executive Session will be posted at least 24 hours prior to such meeting.

22. Request approval of the Report of Claims Paid to be Filed for Audit for the week(s) of April 25, May 2 & 9, 2004.

COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

23. Request approval of Intergovernmental Agreement with Regional Public Transportation Authority (RPTA) for bus service.

COMMENTS: This agreement allows the City of Tempe to purchase bus service from

the RPTA on selected regional routes operating in Tempe and for the RPTA to purchase bus service from the City of Tempe on regional routes managed by the City of Tempe. The term of the agreement ends in June 2008 and will be amended each fiscal year to reflect changes in operating costs and routes.

DOCUMENT NAME: [20040603pwcdl01.pdf](#) **PUBLIC TRANSIT (1106)**

24. Request approval of Addendum to Intergovernmental Agreement entered into during September 2003 between the Tempe Union High School District and the City of Tempe for the provision of the Substance Abuse Prevention Services.

COMMENTS: Increase school district funding for services by \$2,103.

DOCUMENT NAME: [20040603csjt01.pdf](#) **TEMPE UNION HIGH SCHOOL DISTRICT (0109-14)**

25. Request approval of an Intergovernmental Agreement with the City of Phoenix for a feasibility study and preliminary design concepts for the Tempe/Phoenix/Sky Harbor Airport Rio Salado multi-use path connection.

DOCUMENT NAME: [20040603pwei01.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)**

26. Request approval of an Intergovernmental Agreement with Maricopa County for Animal Control Services for fiscal years 2005 – 2007.

COMMENTS: Total cost shall not exceed \$147,756 for fiscal year 2004-05.

DOCUMENT NAME: [20040505dsjk01.pdf](#) **ANIMAL CONTROL (0601)**

27. Request authorization to sign the 2004-2005 Greater Phoenix Economic Council (GPEC) Contract for regional economic development marketing services.

COMMENTS: Total cost of the contract shall not exceed \$62,134.

DOCUMENT NAME: [20040603edjs.pdf](#) **ECONOMIC DEVELOPMENT PROGRAM (0111-03)**

28. Request approval to renew public defender contracts for a one-year period to provide services for indigent defendants in the Tempe Municipal Court.

DOCUMENT NAME: [20040603ctfv01.pdf](#) **COURT ADMINISTRATION (0501-02)**

29. Request by Shrimpton Plaza I & II for a Preliminary and Final Subdivision Plat located at 1901 East 5th Street.

COMMENTS: (Stuart Shrimpton, property owner) #SBD-2004.28 for a Preliminary and Final Subdivision Plat consisting of two (2) lots on 4.26 net acres.

DOCUMENT NAME: [20040603dsd2k05.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *30. This is a public hearing for the approval of a Series 7 Beer and Wine Bar Liquor License for Grumpy John's Bar-B-Q, 1811 N. Scottsdale Rd.

COMMENTS: John E. Aschenbach, Agent

DOCUMENT NAME: [20040603LIQ1.pdf](#) LIQ LIC (0210-02)

- *31. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Sushi Kee on Tempe, 1006 E. Warner Rd., #113.

COMMENTS: Ronny Hong, Agent

DOCUMENT NAME: [20040603LIQ2.pdf](#) LIQ LIC (0210-02)

- *32. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Sushi 101, 920 E. University Drive, D-101.

COMMENTS: Yumi Moon, Agent

DOCUMENT NAME: [20040603LIQ3.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

33. Request to award a one-year contract with two (2) one-year renewal options for rubberized playground surfacing to Robertson Industries, Inc.

COMMENTS: Total cost for this contract shall not exceed \$150,000 during the initial contract period.

DOCUMENT NAME: [20040603fsdl01.pdf](#) PURCHASES (1004-01) IFB04-106

34. Request to award a one-year contract with two (2) one-year renewal options for translation services to Language Line Services.

COMMENTS: Total cost for this contract shall not exceed \$55,000 during the initial contract period.

DOCUMENT NAME: [20040603fsdl02.pdf](#) PURCHASES (1004-01) #04-085

35. Request to award a one-year contract with two (2) one-year renewal options for barricades and warning devices to National Barricade Company as a primary contractor and to Bob's Barricades as a secondary contractor.

COMMENTS: Total cost for this contract shall not exceed \$85,000 during the initial contract period.

DOCUMENT NAME: [20040603fslg03.pdf](#) PURCHASES (1004-01) #04-098

36. Request to award a one-year contract with two (2) one-year renewal options for a media system to Technology Providers, Inc.

COMMENTS: Total cost for this contract shall not exceed \$50,491 during the initial

contract period.

DOCUMENT NAME: [20040603fsdl04.pdf](#) **PURCHASES (1004-01) #04-100**

37. Request to award a two-year contract with two (2) one-year renewal options for ammunition to Eldorado Cartridge and San Diego Police Equipment.

COMMENTS: Total cost for this contract shall not exceed \$110,000 during the initial contract period.

DOCUMENT NAME: [20040603fsdl05.pdf](#) **PURCHASES (1004-01) #04-093**

38. Request to award a sole source, one-year contract with a one-year renewal option for hardware and software maintenance of the City's phone system to Avaya, Inc.

COMMENTS: Total cost for this contract shall not exceed \$165,000 during the initial contract period.

DOCUMENT NAME: [20040603fst07.pdf](#) **PURCHASES (1004-01) #04-131**

39. Request to award a contract to Cummins Rocky Mountain LLC for the purchase of one 900 KW generator set for the South Tempe Water Treatment Plant.

COMMENTS: Total cost for this contract shall not exceed \$91,000.

DOCUMENT NAME: [20040603fst09.pdf](#) **PURCHASES (1004-01) #04-049**

40. Request approval of professional services contracts with RNL Design for design of the East Valley Bus Operation and Maintenance Facility.

COMMENTS: Total cost of these contracts shall not exceed \$2,553,990.

DOCUMENT NAME: [20040603PWTG04.pdf](#) **TRANSPORTATION PLANNING (1101-01) PROJECT NO. 6000561**

41. Request approval of a professional services contract with CMX, LLC., to provide construction management services for the SAI Diversion Structure Improvement project.

COMMENTS: Total cost of this contract shall not exceed \$201,500.

DOCUMENT NAME: [20040603PWTG03.pdf](#) **WASTEWATER MANAGEMENT (0812-01) PROJECT NO. 3200101**

42. Request to award a construction contract to Highland Engineering LLC in an amount not to exceed \$68,140, approve a construction management contract to Superstition Foothills Consulting Services, Inc. in an amount not to exceed \$7,200, and approve a contingency amount of \$8,000 for the College Avenue Sewer Replacement project.

DOCUMENT NAME: [20040603PWMG01.pdf](#) **WASTEWATER (0802-02) PROJECT NO. 3201191**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *43. This is the **introduction and first public hearing** for an ordinance approving the First Addendum to the Restated Development and Disposition Agreement for the Rio Salado Boardwalk Development Project. **The second public hearing will be June 10, 2004.**

DOCUMENT NAME: [20040603edca01.pdf](#) PLANNED DEVELOPMENT
PROJECTS (0406) ORDINANCE NO. 2004.22

- *44. This is the **introduction and first public hearing** for an ordinance authorizing the Mayor to execute agreements conveying the Laird and Dines Building to Street Retail Tempe I, LLC and terminating the ground lease. **The second public hearing is set for June 10, 2004.**

DOCUMENT NAME: [20040603dsnc01.pdf](#) COMM DEV/REDEVELOPMENT
ADM (0403-01) ORDINANCE NO. 2004.18

- *45. This is the **introduction and first public hearing** to amend the Tempe City Code, Chapter 8, relating to buildings, by amending Article III, Section 8-300. **The second public hearing is set for June 10, 2004.**

DOCUMENT NAME: [20040603dsbf01.pdf](#) TCC CH 8 CITY CODE (0503-8)
ORDINANCE NO. 2004.25

- *46. This is the **introduction and first public hearing** for an ordinance establishing the property tax rate for fiscal year 2004-2005. **The second public hearing is set for June 17, 2004.**

DOCUMENT NAME: [20040603fsae03.pdf](#) MISCELLANEOUS TAXES (0210-
06) ORDINANCE NO. 2004.19

- *47. This is the **introduction and first public hearing** to adopt an ordinance to authorize the Public Works Manager or designee to execute certain permits, agreements and contracts. **The second public hearing is set for June 10, 2004.**

DOCUMENT NAME: [20040603PWDR02.pdf](#) ENGINEERING
ADMINISTRATION (0803-02) ORDINANCE NO. 2004.21

- *48. This is the **introduction and first public hearing** for the historic designation of the Butler House (Gray residence) located at 1220 South Mill Ave. **The second public hearing is set for June 10, 2004.**

COMMENTS: (Robert Gray, property owner), located at 1220 South Mill Ave, including the following: #HPO-2004.24 This request is for the designation of the Butler House as an historic property, a single-family residential home built in 1939. Per Chapter 14A "Historic Preservation" of the Tempe City Code, the application approved by the Historic Preservation Commission must also be approved by the Planning & Zoning Commission and City Council.

DOCUMENT NAME: [20040603dsrl06.pdf](#) PLANNED DEVELOPMENT
(0406)

- *49. This is the **introduction and first public hearing** for Millstone for a zoning change, Preliminary and Final Planned Area Development and a Final Subdivision Plat, located at 330 South Farmer Avenue. **The second public hearing is set for June 10, 2004.**

COMMENTS: (Barton Homes, LLC, Patrick Barker, property owner), including the following:

#ZON-2004.01 Ordinance No. 808.2004.01 for a zoning change from R-3, Multi-Family Residential Limited to R1-PAD One Family Residential on 2.8 gross acres.

#SPD -2004.07 for a Preliminary and Final Planned Area Development (PAD) consisting of 48, 3-story, two and three bedroom townhomes (42, 3-bedroom and 6, 2-bedroom, totaling 90,360 square feet) on 2.48 net acres.

#SBD-2004.08 for an Amended Final Subdivision Plat consisting of 48 lots and four (4) tracts on 2.48 net acres.

DOCUMENT NAME: [20040603dsd2k08.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- *50. This is the **second** public hearing authorizing the Mayor to enter into the First Amendment to Agreement-Lease between the City and B&B Holdings, dba Arizona Cardinals.

DOCUMENT NAME: [20040603cacc01.pdf](#) **ARIZONA CARDINALS (0105-01-06)**
ORDINANCE NO. 2004.20

- q-j *51. This is the **second** public hearing for a Preliminary and Final Planned Area Development (PAD) with variances for Student Housing Project, a mixed use development located at 1010 South Terrace Road.

COMMENTS: (Larry Henley, property owner) **#SPD-2004.29** for a Preliminary and Final Planned Area Development (PAD) consisting of 497,418 s.f., (190 residential units, 11,512 s.f. retail) on 2.68 net acres, including the following:

Variances:

1. Increase the maximum allowed floor area ratio (FAR) from 3.0 to 4.2.
2. Reduce the minimum required street side yard (Terrace Road) and front yard (Lemon Street) building setback from 25 to 0 feet.
3. Waive the required 6 feet landscape buffer for the first 236 feet beginning at the southwest corner along the west side property line and for the first 140 feet beginning at the northwest corner along the west side property line.
4. Increase the maximum allowed parapet height from 5 to 7 feet.
5. Reduce the required RV parking from 19 to 0 spaces.

DOCUMENT NAME: [20040603dsd2k03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j *52. This is the **second** public hearing for an Amended General Plan of Development for Dani Dental, and a Final Plan of Development for D&A Real Estate Holding Office Building, located at Dorsey Crossing, 1243 East Broadway Road.

COMMENTS: (D&A Real Estate Holdings, LLC, property owner) **#SGF-2004.27** for an Amended General Plan of Development for Dorsey Crossing Phase 3A, consisting of 140,292 s.f. on 15.14 net acres, and a Final Plan of Development for D & A Real-Estate Holding Office Building consisting of a two story 16,292 s.f. office building for a medical laboratory on 1.05 net acres, located at 1243 East Broadway Road, including the following:

Use Permit:

Use permit for a laboratory in the PCC-2 zoning district.

Variances:

1. Reduce the required 8 feet masonry wall along the south property line to 7 feet.
2. Reduce the required side yard setback on the south property line from 60 to 49 feet.
3. Reduce the required side yard setback on the north property line from 60 to 49 feet.
4. Reduce the required rear yard setback on the east property line from 60 to 49 feet.

DOCUMENT NAME: [20040603dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- q-j *53. This is the **second** public hearing for an Amended General Plan of Development for QuikTrip/McPeter's Storage, and a Final Plan of Development for McPeter's Storage located at 3803 S. Priest Drive.

COMMENTS: (William McPeters, property owner) **#SGF-2004.30** for an Amended General Plan of Development for QuikTrip/McPeters Storage consisting of 52,852 s.f. on 2.79 net acres, and a Final Plan of Development for McPeters Storage, consisting of 47,433 s.f. on .84 net acres, including the following:

Variances:

1. Reduce the minimum required building setback for a building taller than fifteen (15) feet adjacent to a residential zoning district along the north property line from twenty-seven (27) to twenty-two (22) feet (Phase II).
2. Eliminate the requirement for Art-In-Private-Development for a development that exceeds 50,000 gross square feet.

DOCUMENT NAME: [20040603dsrl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *54. This is the **second** public hearing for a zoning change, Preliminary and Final Planned Area Development and a Final Subdivision Plat for Newberry Terrace located at 1203 East Spence Avenue.

COMMENTS: (Barton Homes, LLC, Patrick Barker, property owner), located at 1203 East Spence Avenue, including the following:

#ZON-2004.03 Ordinance No. 808.2004.03 for a zoning change from R-4, Multi-Family Residential General to R1-PAD One Family Residential on 6.3 gross acres.

#SPD -2004.14 for a Preliminary and Final Planned Area Development (PAD) consisting of 45 homes (attached and detached single family homes: Lofts, Unit B 1,341 s.f., Unit D 1,670 s.f., Loft Unit E, 1,299 s.f., and Loft Unit F 1,325 s.f.) on 5.29 net acres. **#SBD-2004.15** for a Final Subdivision Plat consisting of 45 lots and 7 tracts on 5.29 net acres.

DOCUMENT NAME: [20040603dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

55. Request adoption of a resolution naming the public park area between the Rural Road and Mill Avenue bridges on the south side of Tempe Town Lake the "Neil G. Giuliano Lakefront Park."

DOCUMENT NAME: [20040603csmr02.pdf](#) PARKS ADM (0706-01-00)
RESOLUTION NO. 2004.46

56. Request adoption of a resolution naming the senior center at the City of Tempe Westside Multi-generational Center the "Dennis J. Cahill Senior Center."

DOCUMENT NAME: [20040603csmr03.pdf](#) COMMUNITY SERVICE ADM
(0701-01) RESOLUTION NO. 2004.47

57. Request approval of a resolution to accept Arizona Automobile Theft Authority funding for bait vehicle car maintenance/upgrade costs.

DOCUMENT NAME: [20040603pdsr01.pdf](#) POLICE DEPARTMENT
ADMINISTRATION (0606-02) RESOLUTION NO. 2004.43.

58. Request approval of a resolution to accept Arizona Automobile Theft Authority funding for vehicle theft public awareness activities and prevention events.

DOCUMENT NAME: [20040603pdsr02.pdf](#) POLICE DEPARTMENT
ADMINISTRATION (0606-02) RESOLUTION NO. 2004.44

59. Request approval of a resolution to adopt the 2004/05-2008/09 Capital Improvements Program.

DOCUMENT NAME: [20040603fsae02.pdf](#) CAPITAL IMPROVEMENTS
PROGRAM 2004-2008 (0206-20) RESOLUTION NO. 2004.39

60. Request approval of a resolution authorizing the Chief of Police to submit projects for consideration in Arizona's 2005 Highway Safety Plan and to execute all documents in connection with such grant.

DOCUMENT NAME: [20040603pdra01.pdf](#) POLICE DEPARTMENT
ADMINISTRATION (0606-02) RESOLUTION NO. 2004.29

6. NON-CONSENT AGENDA

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

8. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on the agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes will not be allowed during formal meetings.

Members of the public attending City Council meetings shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.